

RECEIVED
CENTRAL FAX CENTERJAN 03 2005
PATENT

Attorney Docket No.: MA3005-0031

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
Ryota SUGIMOTO)	
)	
Application No.: 09/870,672)	Group Art Unit: 3764
)	
Filed: June 1, 2001)	Examiner: Mathew, Fenn C.
)	
For: IMPLANTABLE TUBULAR DEVICE)	Confirmation No.: 8651

Commissioner for Patents
Washington, D.C. 20231**NOTICE OF APPEAL**

Sir:


Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 7, 2005, of the Examiner finally rejecting claims 1, 4, 5, 9-20, 22, 23 and 32-45 of the above-identified application. The sections checked below are appropriate:

- ☒ The Commissioner is hereby authorized to charge the amount of \$500.00 for the Notice of Appeal fee to the Credit Account indicated in the enclosed Form PTO-2038.

A one-month extension of time is necessary to complete this filing and is enclosed. However, if there are any other fees required in connection with the filing of this Notice, please charge the appropriate fees to Applicant's representative's Deposit Account listed on Applicant's June 25, 2005 Response papers.

Respectfully submitted,
CERMAK & KENEALY LLP

Dated: January 3, 2006

By: 
David J. Kenealy
Reg. No. 40,411CERMAK & KENEALY LLP
515-B East Braddock Road
Alexandria, VA 22314
(703) 778-6610
CUSTOMER NO. 39083

01/04/2006 MBINAS 00000015 09070672

01 FC:1401

500.00 OP